



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Darius Wilson,	§	
Plaintiff,	§	
vs.	§	CIVIL ACTION 3:22-04542-MGL-MGB
	§	
	§	
Richland County Sheriff Dept,	§	
Defendant.	§	

**ORDER ADOPTING THE REPORT AND RECOMMENDATION,
GRANTING DEFENDANT'S MOTION FOR JUDGMENT ON THE PLEADING,
DECLINING TO EXERCISE SUPPLEMENTAL JURISDICTION
OVER PLAINTIFF'S STATE LAW CLAIMS,
AND REMANDING THOSE STATE CLAIMS
TO THE RICHLAND COUNTY COURT OF COMMON PLEAS**

Plaintiff Darius (Wilson) filed this lawsuit against Defendant Richland County Sheriff Dept. (RCSD). Wilson, who is representing himself, brings both federal and state claims.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting RCSD's motion for judgment on the pleadings be granted as to Wilson's federal claims, the Court decline to exercise supplemental jurisdiction over Wilson's state law claims, and those state claims be remanded to the Richland County Court of Common Pleas. The Magistrate Judge filed the Report in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on September 26, 2023, but neither party filed any objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court that RCSD’s motion for judgment on the pleadings is **GRANTED** as to Wilson’s federal claims, the Court declines to exercise supplemental jurisdiction over Wilson’s state law claims, and those state claims are **REMANDED** to the Richland County Court of Common Pleas.

IT IS SO ORDERED.

Signed this 25th day of October, 2023, in Columbia, South Carolina.

s/ Mary Geiger Lewis

MARY GEIGER LEWIS

UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.